

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:20-CR-00181-RJC-DCK

USA

v.

GERARDO DOMINGUEZ  
SANDOVAL

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ORDER

**THIS MATTER** is before the Court on the defendant's motion for a second continuance of the trial of this case, currently scheduled during the December 7, 2020, criminal trial term. (Doc. No. 10).

On May 20, 2020, the grand jury indicted the defendant for one count of illegal re-entry into the United States. (Doc. No. 1). The defendant initially appeared before a magistrate judge and was arraigned on July 16, 2020. At that time, the government was ordered to provide required discovery within ten days. (Discovery Order, July 16, 2020).

On September 9, 2020, counsel moved to continue the case from the October 5, 2020, criminal trial term based on the need "to receive and review discovery" with the defendant, as well as research legal issues and advise the defendant of his possible sentence. (Doc. No. 8: Motion ¶ 4). The Court granted the motion and reset it for the December 2020 term. (Doc. No. 9: Order). The instant motion, filed November 17, 2020, the defendant states that discovery "was not received in this case until October 29, 2020." (Doc. No. 10 at ¶ 4). Although the defendant never

filed a motion to compel, it would be troubling to the Court if discovery was provided more than three months late.

**IT IS, THEREFORE, ORDERED** that before the status conference on November 23, 2020, at 9:30 am, the government shall file a response to the defendant's motion, including the allegation that he did not receive discovery until October 29, 2020. If an evidentiary hearing is necessary to resolve the motion to continue, the parties will be notified by separate order.

Signed: November 17, 2020

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
United States District Judge

